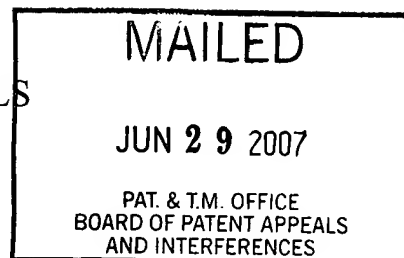


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MICHAEL WALLER and MATTHEW A. WARD

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Application No. 09/804,171

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 28, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On June 26, 2006, the examiner mailed an examiner's answer. In the Evidence Relied Upon section, paragraph (8), the examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that various references were applied to the statement of rejections in the Grounds of Rejection section, paragraph (9), of the examiner's answer.

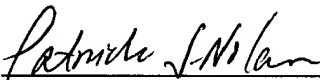
Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer; and;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

BY: 

PATRICK J. NOLAN

Deputy Chief Appeals Administrator  
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PJN/lbg

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